

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re:) Case No: 19-06979
Jeffrey Schwartz)
Harriett Schwartz) Chapter: Chapter 13
)
Debtors) Judge: David D. Cleary

NOTICE OF MOTION

TO: See attached list

PLEASE TAKE NOTICE that on **May 3, 2021 at 1:30 p.m.**, I will appear before the Honorable David D. Cleary, or any judge sitting in that judge's place, and present the **MOTION TO MODIFY CONFIRMED PLAN**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 122 6457 and the password is Cleary644. The meeting ID and password can also be found on the judge's page on the court's website.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

By: /s/ Dale Riley
Dale Riley
Geraci Law L.L.C.
55 E. Monroe Street #3400
Chicago, Illinois 60603
312.332.1800
ndl@geracilaw.com

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:) **Case No:** **19-06979**
Jeffrey Schwartz)
Harriett Schwartz) **Chapter:** **Chapter 13**
)
Debtors) **Judge:** **David D. Cleary**

CERTIFICATE OF SERVICE

I, Dale Riley, hereby certify that I served a copy of this Notice along with the aforementioned document upon the listed parties, by causing the same to be mailed in a properly addressed envelope, postage prepaid, for 55 E. Monroe, Suite 3400, Chicago, Illinois, on 4/9/2021.

LIST OF PARTIES SERVED

Marilyn O. Marshall, 224 S. Michigan Ave. #800, Chicago, IL 60604

Office of the U.S. Trustee, 219 S. Dearborn, Suite 873, Chicago, Illinois 60604

Jeffrey & Harriett Schwartz, 1121 Little Falls Dr., Elgin, IL 60120

ALL CREDITORS ON THE ATTACHED LIST

Advocate Medical Group C/O State Collection Service PO Box 6250 Madison WI 53716-0250	Cavalry Portfolio SPV I Bankruptcy Dept. PO Box 1030 Hawthorne NY 10532	Exxnobil/CBNA Attn: Bankruptcy Dept. Po Box 6497 Sioux Falls SD 57117
AMEX Attn: Bankruptcy Dept. Po Box 297871 Fort Lauderdale FL 33329	Clerk, Third Mun Div 19 M3 000618 2121 Euclid Ave #121 Rolling Meadows IL 60008	HSBC BANK Nevada N.A. C/O JH Portfolio DEBT EQUI 5757 Phantom Dr Ste 225 Hazelwood MO 63042
Associates in Psychiatry and Counseling C/o Merchants Credit Guide Co. 223 W. Jackson Blvd., Ste. 900 Chicago IL 60606	Keith Scott Schindler Bankruptcy Dept. 1990 E. Algonquin, #180 Schaumburg IL 60173	Illinois Gastro Enterology Group C/O Keynote Consulting 220 W Campus Drive # 102 Arlington Heights IL 60004
Bayview Financial LOAN Attn: Bankruptcy Dept. 4425 Ponce De Leon Blvd Coral Gables FL 33146	CEP America Illinois LLP C/O Wakefield & Associates PO Box 59003 Knoxville TN 37950	LANE BRYANT RETAIL/SOA Attn: Bankruptcy Dept. 450 Winks Ln Bensalem PA 19020
Clerk, Chancery 18 CH 15032 50 W. Washington St., Room 802 Chicago IL 60602	Chase CARD Attn: Bankruptcy Dept. Po Box 15298 Wilmington DE 19850	Midland Funding, LLC Bankruptcy Department 8875 Aero Drive, # 200 San Diego CA 92123
Wirbicki Law Bankruptcy Dept. 33 W. Monroe, #1140 Chicago IL 60603	MRS Associates of New Jersey Bankruptcy Dept. 1930 Olney Ave. Cherry Hill NJ 08003	Clerk, Third Mun Div 18 M3 007678 2121 Euclid Ave #121 Rolling Meadows IL 60008
Bright Light Medical Imaging Billing Department 31 S Arlington Heights Rd Elk Grove Village IL 60007	Chase MTG Attn: Bankruptcy Dept. Po Box 24696 Columbus OH 43224	Blitt and Gaines, PC Bankruptcy Dept. 661 Glenn Ave. Wheeling IL 60090
Cabelas Club C/O Portfolio Recovery Assoc. 120 Corporate Blvd., Ste. 100 Norfolk VA 23502	CITI Attn: Bankruptcy Dept. Po Box 6190 Sioux Falls SD 57117	Midwest Bone and Joint C/O ATG Credit, LLC PO Box 14895 Chicago IL 60614
Capital One Bankruptcy Dept. PO Box 30285 Salt Lake City UT 84130	Comenitybank/Meijer Attn: Bankruptcy Dept. Po Box 182789 Columbus OH 43218	Portfolio Recovery Assoc. Riverside Commerce Center 120 Corporate Blvd., Ste. 100 Norfolk VA 23502
CAP1/Bstby Attn: Bankruptcy Dept. 26525 N Riverwoods Blvd Mettawa IL 60045	Discover FIN SVCS LLC Attn: Bankruptcy Dept. Po Box 15316 Wilmington DE 19850	Clerk, Third Mun Div 19 M3 000539 2121 Euclid Ave #121 Rolling Meadows IL 60008
Capital ONE N.A. C/O Midland Funding 2365 Northside Dr Ste 30 San Diego CA 92108	Elgin Internal Medical Associates C/O Merchants Credit Guide Co. 223 W. Jackson Blvd., Ste. 900 Chicago IL 60606	Blitt and Gaines, PC Bankruptcy Dept. 661 Glenn Ave. Wheeling IL 60090
Capital ONE, N.A. Attn: Bankruptcy Dept. Po Box 26625 Richmond VA 23261	Elgin Internal Medical Associates 745 Fletcher Dr Elgin IL 60123	Quest Diagnostics C/O Credit Collection Services PO Box 55126 Boston MA 02205

Quest Diagnostics
Attn: Bankruptcy Dept
PO Box 740397
Cincinnati OH 45274

Syncb/ASHLEY HOMESTORE
Attn: Bankruptcy Dept.
950 Forrer Blvd
Kettering OH 45420

Syncb/BP DC
Attn: Bankruptcy Dept.
Po Box 965024
Orlando FL 32896

Syncb/CAR CARE DISC TI
Attn: Bankruptcy Dept.
Po Box 965036
Orlando FL 32896

Syncb/HOME SHOPPING
Attn: Bankruptcy Dept.
Po Box 965005
Orlando FL 32896

Syncb/JTV
Attn: Bankruptcy Dept.
Po Box 965036
Orlando FL 32896

Syncb/SAMS CLUB DC
Attn: Bankruptcy Dept.
Po Box 965005
Orlando FL 32896

Syncb/SCORE REWARDS DC
Attn: Bankruptcy Dept.
Po Box 965005
Orlando FL 32896

Synchrony BANK
C/O Portfolio Recov Assoc
120 Corporate Blvd Ste 1
Norfolk VA 23502

Synchrony BANK
C/O Midland Funding
2365 Northside Dr Ste 30
San Diego CA 92108

Synchrony BANK
C/O Cavalry Portfolio SERV
Po Box 27288
Tempe AZ 85285

TD BANK USA/Targetcred
Attn: Bankruptcy Dept.
Po Box 673
Minneapolis MN 55440

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:) Case No: 19-06979
Jeffrey Schwartz)
Harriett Schwartz) Chapter: Chapter 13
Debtors)
) Judge: David D. Cleary

MOTION TO MODIFY CONFIRMED PLAN

NOW COME the Debtors, Mr. & Mrs. Jeffrey Schwartz (the “Debtors”), by and through their attorneys, Geraci Law L.L.C., to present their **MOTION TO MODIFY CONFIRMED PLAN**, and state as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. 1334 and this is a “core proceeding” under 28 U.S.C. 157(b)(2).
2. The Debtors filed their Petition for Relief and plan under Chapter 13 of the U.S. Bankruptcy Act on 03/13/2019.
3. The Debtors’ plan was confirmed by the Court on 06/10/2019 including a provision requiring the Debtors to turn their federal tax refunds in excess of \$1,200 over to the Trustee as additional payments into the plan.
4. The Debtors received a refund of \$5,005 for tax year 2020 of which \$3,805 is due to the Trustee.
5. The deck on the Debtor’s home is over 30 years old and in need of repairs estimated to cost \$2,523.13. The patio door leading to the deck is also in need of replacement at an estimated cost of \$1,971. See Exhibit A.
6. The Debtors are unable to afford these expenses while also maintaining their Chapter 13 plan payments without using their tax refund.
7. For the reasons stated above, it is necessary for the successful completion of the Debtors’ plan to permit the Debtors to keep a total of \$4,494.13 of their 2020 tax refund.

WHEREFORE THE DEBTORS, Mr. & Mrs. Jeffrey Schwartz, respectfully request this Honorable

Court enter an order:

1. Permitting the Debtors to keep a total of \$4,494.13 of their 2020 tax refund.
2. Any other relief the court deems proper.

By: */s/ Dale Riley*
Dale Riley

Attorneys for the Debtors

Geraci Law L.L.C.

55 E. Monroe Street #3400

Chicago, Illinois 60603

(Ph): 312.332.1800 (Fax): 877.247.1960